

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.,  
PELVIC REPAIR SYSTEMS  
PRODUCTS LIABILITY LITIGATION

MDL 2326

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THIS DOCUMENT RELATES TO:

BARBARA PENDERGRASS,

Plaintiff,

v.

Civil Action No. 2:14-cv-17054

BOSTON SCIENTIFIC CORPORATION,

Defendant.

**MEMORANDUM OPINION AND ORDER**

On August 30, 2018, a Suggestion of Death was filed by plaintiff's counsel suggesting the death of Barbara Pendergrass during the pendency of this civil action. [ECF No. 17].

Pursuant to Federal Rule of Civil Procedure 25(a) and Pretrial Order ("PTO") # 191 (Requirements for Counsel to Deceased Plaintiffs) filed in *In re: Boston Scientific Corp., Pelvic Repair System Products Liab. Litig.*, 2:12-md-2326 [ECF No. 6406], the time to substitute a proper party for the deceased party has expired and there has been no motion to substitute the deceased party. Barbara Pendergrass is the only plaintiff named in this civil action.

The court **ORDERS** that pursuant to Rule 25(a) and PTO # 191, this case is **DISMISSED without prejudice** and **STRICKEN** from the docket. Any pending motions are **DENIED** as moot.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: August 18, 2020

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE